

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: JULY 9, 2004
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO SC#232 – Irrevocable Agreement to Annex No. 04-00007, City of Fontana for Sewer Service

INITIATED BY:

City of Fontana, on behalf of property owner

RECOMMENDATION:

1. For environmental review, take the following actions as a responsible agency:
 - a. Certify that the Commission has reviewed and considered the environmental assessment and the Negative Declaration prepared by the County of San Bernardino for Tentative Tract 16734 to create five (5) lots on 2.18 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project, and that mitigation was not required for the project; and
 - c. Direct the Clerk to file the Notice of Determination within five (5) days of this action.
 - d. Approve LAFCO SC#232 authorizing the City of Fontana to extend sewer services outside its boundaries to current Assessor Parcel

Number (APN) 0241-201-05 which is being divided into 5 lots through Tentative Tract 16734; and

2. Adopt LAFCO Resolution #2827 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of Fontana's boundaries.

BACKGROUND:

The City of Fontana has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to APN 0241-201-05, generally located at the northwest corner of Miller and Alder Avenues, in the northeastern portion of the City of Fontana's sphere of influence. Attachment #1 provides a location and vicinity map of the site.

The City, on behalf of the property owners, has requested that the Commission review and approve the extension of service pursuant to the provision of Government Code Section 56133. The current use of the parcel is single-family residential with one existing residential unit. The proposed development, through the approval of the Tentative Tract, is to divide this single parcel into 5 individual lots (4 new lots in addition to one lot with an existing residential unit).

The County Land Use Services Department has processed the approval of Tentative Tract 16734. The Conditions of Approval placed upon this project include the requirement for connection to the City of Fontana's sewer system, if available (Conditions 10, 29, & 30). Since sewer service is available on Miller Avenue and also on Alder Avenue, the requirement for sewer connection has been enforced.

The City's application indicates that sewer service will be provided to each of the 4 new lots as well as the existing single-family residential unit (a total of 5 connections) through lateral extensions from the 8-inch sewer mains within both on Miller and Alder Avenues.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of services outside an agency's boundaries. The City of Fontana has submitted an estimated cost of \$19,786.80 relating to the extension of sewer service to the 5 lots. Following is the detailed calculation, based on the number of equivalent dwelling units:

Equivalent Dwelling Units	4 New EDU's 1 Existing EDU	
Facilities Expansion Fee (pass thru fee to the IEUA)	\$3,840 x 4 EDU's (fee applies to new units only)	\$15,360.00
Sewer Connection Charge	\$770 x 5 EDU's	\$3,850.00
Sewer Deposit	\$22.59* x 5 EDU's x 4 mos. * \$22.59 = 15.06 (mo. sewer rate) x 1.5 (premium rate outside City boundary)	\$451.80
Sewer Permit	5 permits x \$25	\$125.00
TOTAL		\$19,786.80

In addition, the applicant will be responsible for the entire cost of the construction, installation, and connection of the laterals to the sewer mains. Also, as reflected in the sewer deposit, future users of the sewer service will be charged 1.5 times the in-city monthly rate.

Authorization of this agreement by the Commission is required before the City of Fontana can take the final actions to implement the terms of the agreement. Likewise, in order for the development to proceed through the County's processing of the Tentative Tract, it must show proof of its ability to connect to the City of Fontana's sewer system infrastructure, which is one of the conditions of approval placed upon the project.

The parcel is contiguous to the City of Fontana's boundaries on 3 of its four sides, which would have been a good candidate for annexation. However, the property owner opted to develop the Tentative Tract through the County rather than through the City. Nevertheless, the City has conditioned the Irrevocable Agreement to Annex to include the requirement that the property owner file an application for annexation prior to the issuance of the sewer permit.

Staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133. Staff supports the City's request to provide sewer service by contract to the parcel since said parcel is adjacent to its facilities. In making its determinations, the Commission will need to find that the contract complies with the provisions of this code section and with the standards adopted by the Commission for implementation of these provisions.

FINDINGS:

1. The project area, identified as APN 0241-201-05 is within the sphere of influence assigned the City of Fontana. The existing parcel receives, and the newly subdivided area will receive, its water service from the Fontana

Water Company. The application requests the receipt of City of Fontana sewer service.

2. The Irrevocable Agreement to Annex No. 04-00007 is being considered for the provision of sewer service to 5 lots (4 new lots and a lot with an existing residential unit) created through Tentative Tract 16734 located on the northwest corner of Miller and Alder Avenues. Approval of this application will allow the property owners and the City of Fontana to finalize the agreement for the extension of sewer service.

Likewise, approval of the City's request to extend sewer service to the project will satisfy the sewer service requirement imposed upon by the Conditions of Approval for the Tentative Tract that has been processed through the County.

3. In April and May 2004, acting as the CEQA lead agency, the County prepared an environmental assessment for Tentative Tract 16734. The assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the Tentative Tract.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's initial study and Negative Declaration issued for the Tentative Tract. Mr. Dodson's analysis has indicated that the County's initial study and Negative Declaration are adequate for the Commission's use as CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development; no mitigation is required for the project. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

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Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Fontana's Application, Contract, and Grant Deed
3. County Conditions of Approval For Tentative Tract 16734
4. Tom Dodson and Associates Response including the County's Environmental Documents for Tentative Tract 16734
5. Draft Resolution #2827